



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Tanaka et al.
FOR : **ULTRA-FAST TRANSFORMATION
TECHNIQUE FOR MONOCOTYLEDONS**
SERIAL NO. : 09/914,546
FILED : March 12, 2002
EXAMINER : Georgia L. Helmer
ART UNIT : 1638
CONFIRMATION NO. : 9731
ATTORNEY DOCKET NO. : **YAMZ 2 00010**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith. This submission is being made in accordance with the Final Office Action dated January 5, 2004 requesting an official PTO-1449 Form containing the references cited in the Response of August 25, 2004. Therefore, these disclosures are not "After Final" since they were cited in a Response prior to the Final Rejection.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for

04/12/2004 BABRAHA1 00000017 09914546

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Image
1638

PTO/SB/17 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number 09/914,546
Filing Date March 12, 2002
First Named Inventor Tanaka
Examiner Name Helmer
Art Unit 1638
Attorney Docket No. YAMZ 2 00010

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
Deposit Account Number 06-0308
Deposit Account Name Fay, Sharpe

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 19 -20** = 0 X 0 = 0
Independent Claims 1 -3** = 0 X 0 = 0
Multiple Dependent ☐ = ☐

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

Name (Print/Type) Richard M. Klein

Registration No. 33,000
(Attorney/Agent)

(Complete if applicable)

Telephone 216/861-5582

Signature

Richard M. Klein

Date April 5, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents with this Disclosure.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Accordingly, the enclosed require(s) no further explanation (or no translation is available).

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **INTERNATIONAL SEARCH REPORT:** Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **BEFORE FINAL ACTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 06-0308.

☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of

this application. In accordance with § 609 MPEP, only copies of art not previously submitted are enclosed.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

April 5, 2004
Date

Richard M. Klein / sk
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Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF MAILING

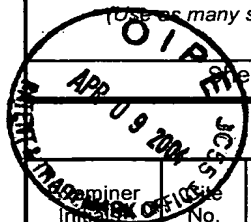
I certify that this Information Disclosure Statement and accompanying document(s) are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date
April 5, 2004

<i>Lynda S. Kalemba</i>	Signature
Lynda S. Kalemba	Printed Name

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) (Use as many sheets as necessary)	COMPLETE IF KNOWN	
	Application Number	09/914,546
	Filing Date	March 12, 2002
	First Named Inventor	Tanaka
	Art Unit	1638
	Examiner Name	Helmer
Sheet 1 of 3	Attorney Docket No.	YAMZ 2 00010



U.S. PATENT DOCUMENTS				
Examiner Initials*	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA US-			
	AB US-			
	AC US-			
	AD US-			
	AE US-			
	AF US-			
	AG US-			
	AH US-			
	AI US-			
	AJ US-			
	AK US-			
	AL US-			

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	AM				
	AN				
	AO				
	AP				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catdog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
	AQ	GRAVES ET AL., <i>The transformation of Zea mays seedlings with Agrobacterium tumefaciens</i> , Plant Molecular Biology 7, pp 43-50, 1986	
	AR	BYTEBIER ET AL., <i>T-DNA organization in tumor cultures and transgenic plants of the monocotyledon Asparagus Officinalis</i> , Proc. Natl. Acad. Sci. USA, Vol. 84, pp. 5345-5349, August 1987, Genetics	
	AS	SCHAFER ET AL., <i>T-DNA integration and expression in a monocot crop plant after induction of Agrobacterium</i> , Department of Biology, Plant Molecular Biology Group, University of Frankfurt, Letters to Nature, Nature, Vol. 327, pp. 529 - 532, 11 June 1987	
	AT	SOMMER ET AL., <i>Genetic engineering of shikonin biosynthesis hairy root cultures of Lithospermum erythrorhizon transformed with the bacterial ubiC gene</i> , Plant Molecular Biology 39, pp. 683-693, 1999	
	AU	TOKI, <i>Rapid and Efficient Agrobacterium-Mediated Transformation in Rice</i> , Genetic Resources, Plant Molecular Biology Reporter, 15 (1) 1997, pp. 16-21	

Examiner Signature	Date Considered
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	BA	US-			
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	BC	US-			
	BD	US-			
	BE	US-			
	BF	US-			
	BG	US-			
	BH	US-			
	BI	US-			
	BJ	US-			
	BK	US-			
	BL	US-			

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	BM					
	BN					
	BO					
	BP					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	BQ	McCORMAC ET AL., <i>The use of visual marker genes as cell-specific reporters of Agrobacterium-mediated T-DNA delivery to wheat (Triticum aestivum L.) and barley (Hordeum vulgare L.)</i> , Euphytica 99, pp. 17-25, 1998	
	BR	KANG ET AL., <i>Identification of class B and class C floral organ identity genes from rice plants</i> , Plant Molecular Biology 38, pp. 1021-1029, 1998	
	BS	UZE ET AL., <i>Plasmolysis of precultured immature embryos improves Agrobacterium mediated gene transfer to rice (Oryza sativa L.)</i> , Plant Science, 130 (1997), pp. 87-95	
	BT	PARK ET AL., <i>T-DNA integration into genomic DNA of rice following Agrobacterium inoculation of isolated shoot apices</i> , Plant Molecular Biology, 32, pp. 1135-1148, 1996	
	BU	SAKAMOTO ET AL., <i>Metabolic engineering of rice leading to biosynthesis of glycinebetaine and tolerance to salt and cold</i> , Plant Molecular Biology, 38, pp. 1011-1019, 1998	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO		COMPLETE IF KNOWN	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) (Use as many sheets as necessary)		Application Number	09/914,546
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Sheet 3 of 3		Attorney Docket No.	YAMZ 2 00010

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	BD	US-			
	BE	US-			
	BF	US-			
	BG	US-			
	BH	US-			
	BI	US-			
	BJ	US-			

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	BM					
	BN					
	BO					
	BP					

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Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
	BQ	DAIGEN ET AL., Hokuriku Sakumotsu-Gakkaiho, 30, pp. 80-82, 1995 (partial translation)	
	BR	YOKOI ET AL., <i>Tapetum-specific expression of the OSG6B promoter-β-glucuronidase gene in transgenic rice</i> , Plant Cell Reports, 16, pp. 363-367, 1997	
	BS	HIEI ET AL., <i>Efficient transformation of rice (Oryza sativa L.) mediated by Agrobacterium and sequence analysis of the boundaries of the T-DNA</i> , The Plant Journal, 6(2), pp. 271-282, 1994	
	BT	RAINERI ET AL., <i>Agrobacterium-mediated transformation of rice (Oryza sativa L.)</i> , Research Papers, Bio/Technology, Vol. 8, pp. 33-38, January 1990	
	BU	UZE ET AL., <i>Plasmolysis of precultured immature embryos improves Agrobacterium mediated gene transfer to rice (Oryza sativa L.)</i> , Plant Science, 130, pp. 87-95, 1997	
	BV	KHUSH (editor), <i>Rice Genetics III: Proceedings of the Third International Rice Genetics Symposium</i> , Manila, Philippines, 16-20 March October 1995	

Examiner Signature		Date Considered	
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